

sistently adhered to this principle regarding the present and past Presidents.

"While several rulings by the Chair in this Congress may have predated certain public acknowledgments by the President, and while the standard in Jefferson's Manual has been held not to apply in the other body, it is essential that the constraint against such remarks in ordinary debate continue to apply in the House.

"On January 27, 1909, the House adopted a report in response to improper references in debate to the President. That report read in part as follows:

The freedom of speech in debate in the House of Representatives should never be denied or abridged, but freedom of speech in debate does not mean license to indulge in personal abuses or ridicule. The right of Members of the two Houses of Congress to criticize the official acts of the President and other executive officers is beyond question, but this right is subject to proper rules requiring decorum in debate. Such right of criticism is inherent upon legislative authority.

The right to legislate involves the right to consider conditions as they are and to contrast present conditions with those of the past or those desired in the future. The right to correct abuses by legislation carries the right to consider and discuss abuses which exist or which are feared.

It is * * * the duty of the House to require its Members in speech or debate to preserve that proper restraint which will permit the House to conduct its business in an orderly manner and without unnecessarily and unduly exciting animosity among its Members or antagonism from those other branches of the Government with which the House is correlated.

"This is recorded in Cannon's Precedents, volume 8, at section 2497, and is quoted in section 370 of the House Rules and Manual.

"In addition to relying on the precedents of the House, the Chair would comment on the importance of comity and integrity of debate in the House in an electronic age. Debates in the House were not broadcast by radio or television before 1978. There were correspondingly fewer occasions when Members were called to order for improper personal references to Presidents. In 1974, there were no allegations of personal misconduct on the part of the President called to order on the floor before or during proceedings in executive session of the Committee on the Judiciary.

"Indeed, it is only during the actual pendency of proceedings in impeachment as the pending business on the Floor of the House that remarks in debate may include references to personal misconduct on the part of the President.

"While an inquiry is under way in committee, the committee is the proper forum for examination and debate of such allegations. In the meantime, it is incumbent on the House to conduct its other business, again quoting from the action of the House in 1909, 'in an orderly manner and without unnecessarily and unduly exciting animosity

among its Members or antagonism from those other branches of the Government with which the House is correlated.'

"This is not to say that the President is beyond criticism in debate, or that Members are prohibited from expressing opinions about executive policy or competence to hold office. It is permissible in debate to challenge the President on matters of policy. The difference is one between political criticism and personally offensive criticism. For example, a Member may assert in debate that an incumbent President is not worthy of reelection, but in doing so should not allude to personal misconduct. By extension, a Member may assert in debate that the House should conduct an inquiry, or that a President should not remain in office. What the rule of decorum requires is that the oratory remain above personality and refrain from terms personally offensive.

"When an impeachment matter is not pending on the floor, a Member who feels a need to dwell on personal factual bases underlying the rationale on which he might question the fitness or competence of an incumbent President must do so in other forums, while conforming his remarks in debate to the more rigorous standard of decorum that must prevail in this Chamber.

"The Chair will enforce this rule of decorum with respect to references to the President, and asks and expects the cooperation of all Members in maintaining a level of decorum that properly dignifies the proceedings of the House."

186.4 PROVIDING FOR THE CONSIDERATION OF H.R. 2863

Mr. DIAZ-BALART, by direction of the Committee on Rules, called up the following resolution (H. Res. 521):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2863) to amend the Migratory Bird Treaty Act to clarify restrictions under that Act on baiting, to facilitate acquisition of migratory bird habitat, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone

until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered. After debate,

On motion of Mr. DIAZ-BALART, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

186.5 MIGRATORY BIRD TREATY REFORM

The SPEAKER pro tempore, Mr. DIAZ-BALART, pursuant to House Resolution 521 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2863) to amend the Migratory Bird Act to clarify restrictions under that Act on baiting, to facilitate acquisition of migratory bird habitat, and for other purposes.

The SPEAKER pro tempore, Mr. DIAZ-BALART, by unanimous consent, designated Mrs. EMERSON as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Mr. DIAZ-BALART, assumed the Chair.

When Mrs. EMERSON, Chairman, pursuant to House Resolution 521, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Migratory Bird Treaty Reform Act of 1998".

SEC. 2. ELIMINATING STRICT LIABILITY FOR BAITING.

Section 3 of the Migratory Bird Treaty Act (16 U.S.C. 704) is amended—

(1) by inserting "(a)" after "SEC. 3."; and

(2) by adding at the end the following:

"(b) It shall be unlawful for any person to—

"(1) take any migratory game bird by the aid of baiting, or on or over any baited area, if the person knows or reasonably should know that the area is a baited area; or

"(2) place or direct the placement of bait on or adjacent to an area for the purpose of

causing, inducing, or allowing any person to take or attempt to take any migratory game bird by the aid of baiting on or over the baited area.”.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,
Will the House pass said bill?

The SPEAKER pro tempore, Mr. DIAZ-BALART, announced that the yeas had it.

Mr. SAXTON objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas 322
Nays 90

§86.6

[Roll No. 420]

YEAS—322

Ackerman	Davis (VA)	Hooley
Aderholt	Deal	Horn
Allen	DeFazio	Hostettler
Archer	DeLay	Houghton
Armey	Deutsch	Hoyer
Bachus	Diaz-Balart	Hulshof
Baesler	Dickey	Hunter
Baker	Dicks	Hutchinson
Baldacci	Dingell	Hyde
Ballenger	Doggett	Inglis
Barr	Dooley	Istook
Barrett (NE)	Doolittle	Jefferson
Bartlett	Doyle	Jenkins
Barton	Dreier	John
Bass	Duncan	Johnson (WI)
Bateman	Edwards	Johnson, Sam
Bentsen	Ehlers	Jones
Bereuter	Ehrlich	Kanjorski
Bilbray	Emerson	Kaptur
Bilirakis	English	Kasich
Bishop	Ensign	Kelly
Bliley	Etheridge	Kilpatrick
Blunt	Everett	Kim
Boehlert	Ewing	Kind (WI)
Boehner	Fawell	King (NY)
Bonilla	Fazio	Kingston
Bono	Foley	Klecicka
Borski	Forbes	Klink
Boswell	Fossella	Klug
Boucher	Fowler	Knollenberg
Boyd	Fox	Kolbe
Brady (TX)	Franks (NJ)	LaHood
Brown (CA)	Frelinghuysen	Lampson
Bryant	Frost	Largent
Bunning	Gallegly	Latham
Burr	Ganske	LaTourette
Burton	Gejdenson	Lazio
Buyer	Gekas	Leach
Callahan	Gephardt	Levin
Calvert	Gibbons	Lewis (CA)
Camp	Gilchrest	Lewis (KY)
Canady	Gillmor	Linder
Cannon	Gilman	Lipinski
Capps	Goode	Livingston
Carson	Goodlatte	LoBiondo
Castle	Goodling	Lucas
Chabot	Gordon	Luther
Chambliss	Goss	Manton
Chenoweth	Graham	Manzullo
Christensen	Granger	Mascara
Clement	Green	McCarthy (MO)
Coble	Greenwood	McCarthy (NY)
Coburn	Gutknecht	McCollum
Collins	Hall (OH)	McCrery
Combest	Hall (TX)	McDermott
Condit	Hamilton	McHale
Conyers	Hansen	McHugh
Cook	Harman	McInnis
Cooksey	Hastert	McIntosh
Costello	Hastings (WA)	McIntyre
Cox	Hayworth	McKeon
Coyne	Hefley	Menendez
Cramer	Herger	Metcalf
Crane	Hill	Mica
Crapo	Hilleary	Miller (FL)
Cubin	Hilliard	Minge
Cummings	Hinojosa	Mink
Cunningham	Hobson	Mollohan
Danner	Hoekstra	Moran (KS)
Davis (FL)	Holden	Murtha

Myrick	Roemer	Spence
Nethercutt	Rogan	Spratt
Neumann	Rogers	Stabenow
Ney	Rohrabacher	Stearns
Northup	Ros-Lehtinen	Stenholm
Norwood	Roukema	Strickland
Nussle	Royce	Stump
Obey	Ryun	Stupak
Ortiz	Salmon	Sununu
Oxley	Sanchez	Talent
Packard	Sanders	Tanner
Pappas	Sandlin	Taylor (MS)
Parker	Sanford	Taylor (NC)
Pastor	Sawyer	Thomas
Paul	Saxton	Thompson
Pease	Scarborough	Thornberry
Peterson (MN)	Schaefer, Dan	Thune
Peterson (PA)	Schaffer, Bob	Thurman
Petri	Scott	Tiahrt
Pickering	Sensenbrenner	Trafigant
Pickett	Sessions	Turner
Pitts	Shaw	Upton
Pombo	Shimkus	Walsh
Pomeroy	Shuster	Wamp
Porter	Sisisky	Watkins
Portman	Skaggs	Watts (OK)
Price (NC)	Skeen	Weldon (FL)
Quinn	Skelton	Weldon (PA)
Radanovich	Smith (MI)	Weller
Rahall	Smith (NJ)	White
Ramstad	Smith (OR)	Whitfield
Rangel	Smith (TX)	Wicker
Redmond	Smith, Adam	Wilson
Regula	Smith, Linda	Wise
Reyes	Snowbarger	Wolf
Riggs	Snyder	Young (FL)
Riley	Solomon	
Rodriguez	Souder	

NAYS—90

Abercrombie	Jackson (IL)	Oberstar
Andrews	Jackson-Lee	Olver
Barrett (WI)	(TX)	Owens
Becerra	Johnson (CT)	Pallone
Berman	Johnson, E. B.	Pascarell
Blagojevich	Kennedy (RI)	Payne
Blumenauer	Kildee	Pelosi
Bonior	Kucinich	Rivers
Brady (PA)	LaFalce	Rothman
Brown (FL)	Lantos	Roybal-Allard
Brown (OH)	Lee	Sabo
Campbell	Lewis (GA)	Serrano
Cardin	Lofgren	Shays
Clay	Lowey	Sherman
Clayton	Maloney (CT)	Slaughter
Clyburn	Maloney (NY)	Stark
Davis (IL)	Markey	Tauscher
DeGette	Martinez	Tierney
Delahunt	Matsui	Torres
DeLauro	McGovern	Velazquez
Dixon	McKinney	Vento
Eshoo	McNulty	Visclosky
Evans	Meehan	Waters
Farr	Meek (FL)	Watt (NC)
Fattah	Meeks (NY)	Waxman
Filner	Millender	Wexler
Ford	McDonald	Weygand
Frank (MA)	Miller (CA)	Woolsey
Gutierrez	Moran (VA)	Wynn
Hastings (FL)	Nadler	Yates
Hinchee	Neal	

NOT VOTING—22

Barcia	Kennelly	Schumer
Berry	McDade	Shadegg
Dunn	Moakley	Stokes
Engel	Morella	Tauzin
Furse	Paxon	Towns
Gonzalez	Poshard	Young (AK)
Hefner	Pryce (OH)	
Kennedy (MA)	Rush	

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

§86.7 PROVIDING FOR THE
CONSIDERATION OF H.R. 2538

Mr. HASTINGS of Washington, by direction of the Committee on Rules, called up the following resolution (H. Res. 522):

Resolved, That at any time after the adoption of this resolution the Speaker may, pur-

suant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2538) to establish a Presidential commission to determine the validity of certain land claims arising out of the Treaty of Guadalupe-Hidalgo of 1848 involving the descendants of persons who were Mexican citizens at the time of the treaty. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with section 303(a) of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill, modified by striking the last two sentences of subsection (c) of section 6. Each section of that amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

On motion of Mr. HASTINGS of Washington, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

§86.8 GUADALUPE-HIDALGO TREATY
LAND CLAIMS

The SPEAKER pro tempore, Mr. HASTINGS of Washington, pursuant to House Resolution 522 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2538) to establish a Presidential commission to deter-